IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 478 of 2001

with

CRIMINAL REVISION APPLICATION No 498 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAFIQ SIDDIQ SHAIKH

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Revision Application No. 478 of 2001
   MR MM TIRMIZI for Petitioner No. 1
   Mr B D Desai, APP for Respondents No. 1,3
   MR BS PATEL for Respondent No. 2
   MRS RANJAN B PATEL for Respondent No. 2
2. Criminal Revision Application No. 498 of 2001
   MR MM TIRMIZI for Petitioner No. 1
   Mr B D Desai, APP for Respondent No. 1

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 05/02/2002

ORAL (COMMON) JUDGEMENT

These two criminal revision applications under section 397 read with section 401 have been filed by the present petitioners who are original accused persons in a complaint filed by the contesting respondent before the learned Chief Judicial Magistrate at Vadodara. The learned Magistrate had directed that the complaint be investigated under section 156 (3) of the Criminal Procedure code by the DCB (Economic Cell) at Vadodara. The petitioners in these two petitions have challenged the order of the learned Chief Judicial Magistrate dated 14.8.2001.

2. During the course of hearing a consensus was arrived at between M/s. M M Tirmizi and B S Patel, learned Advocates appearing for the petitioners and the contesting respondents in each revision application and, therefore, by consent, it is directed that the matter may be sent to the Commissioner of Police, Vadodara, who shall be at liberty to entrust the investigation to any Police Officer under him except the Police Officer working in DCB (Economic Cell) at Vadodara. Since the matter has become little old, the learned Commissioner of Police will exercise such powers as early as possible and the concerned Police Officer will expedite investigation of the matter.

Rule is made absolute to the above extent. Both these Revision Applications are accordingly disposed of by consent as aforesaid. Interim relief stands vacated.D.S.

5.2.2002 [D P Buch, J.]
msp